



DAC #10

PATENTS
CT/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Babak Rezvani et al.

Application No. : 09/775,882 Confirmation No. : 3959

Filed : February 2, 2001

For : AUTOMATED UPLOAD OF CONTENT BASED ON
CAPTURED EVENT

Group Art Unit : 2151

Examiner : Not yet assigned

New York, New York 10020
April 2, 2003

Box DAC
Commissioner for Patents
P.O. Box 2327
Arlington, Virginia 22202

PETITION UNDER 37 C.F.R. § 1.137(b,f) FOR REVIVAL
OF UNINTENTIONALLY ABANDONED PATENT APPLICATION

Sir:

Pursuant to 37 C.F.R. § 1.137(b,f), applicants hereby petition for revival of the above-identified patent application, which may have become abandoned because the above-identified patent application was filed in another country that requires publication of applications eighteen months after filing and applicants unintentionally may have failed to notify the Patent and Trademark Office of that foreign filing within forty-five days thereof.

37 C.F.R. § 1.137(b)(1)

This petition is accompanied by a notification under 37 C.F.R. § 1.213(c) that the above-identified patent application was filed in another country that requires publication of applications eighteen months after filing.

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OFFICE OF PETITIONS

37 C.F.R. § 1.137(b) (2)

A check in the amount of \$1,300.00, in payment of the petition fee set forth in 37 C.F.R. § 1.17(m), is enclosed herewith. The Director is hereby authorized to charge any additional fee that may be due, or the credit any overpayment, in connection with this Petition, to Deposit Account No. 06-1075. A duplicate copy of this Petition is enclosed herewith.

37 C.F.R. § 1.137(b) (3)

Any delay in notifying the Patent and Trademark Office that the above-identified patent application was filed in another country that requires publication of applications eighteen months after filing, including the delay in filing this petition, was unintentional.

Applicants filed a Rescission Under 37 C.F.R. § 1.213(b) Of Nonpublication Request on August 22, 2001, prior to the earliest foreign filing (September 6, 2001) of the above-identified patent application. The Rescission was filed in a format based on the original Patent and Trademark Office form for such rescissions, which did not include a notification that foreign filing had occurred (and indeed, at the time of filing the rescission, foreign filing had not yet occurred).

Applicants understood, based on the original Patent and Trademark Office form, that filing of the rescission met the requirement for notifying the Patent and Trademark Office that foreign filing had occurred.

The undersigned learned yesterday that the Patent and Trademark Office had changed its form for rescission of a nonpublication request to include an explicit notification of foreign filing, and that under the Patent and Trademark Office's current interpretation of 37 C.F.R. § 1.213(c), the mere rescission of a nonpublication request does not satisfy the requirement that the Patent and Trademark Office be notified that an application in which a nonpublication request had been filed has been filed in a foreign country

that publishes applications after eighteen months. In view of that interpretation, applicants in an abundance of caution have prepared and are filing this Petition immediately.

Request for Retroactive Effect

Applicants further respectfully request that revival of the above-identified patent application be granted retroactively to October 21, 2001, the date that is forty-five days after the earliest foreign filing.

Conclusion

Prompt grant of this petition is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Box DAC
Commissioner for Patents
P.O. Box 2327
Arlington, Virginia 22202
on April 2, 2003

Name of Person Signing Certificate

Lillian Ganesi

Signature of Person Signing Certificate

Apr. 12, 2003

Date of Signature

Respectfully submitted,



Peter F. Shell
Reg. No. 52,235
Agent for Applicants
FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000

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37 C.F.R. § 1.137(b)(1)

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37 C.F.R. § 1.137(b) (2)

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37 C.F.R. § 1.137(b) (3)

Any delay in notifying the Patent and Trademark Office that the above-identified patent application was filed in another country that requires publication of applications eighteen months after filing, including the delay in filing this petition, was unintentional.

Applicants filed a Rescission Under 37 C.F.R. § 1.213(b) Of Nonpublication Request on August 22, 2001, prior to the earliest foreign filing (September 6, 2001) of the above-identified patent application. The Rescission was filed in a format based on the original Patent and Trademark Office form for such rescissions, which did not include a notification that foreign filing had occurred (and indeed, at the time of filing the rescission, foreign filing had not yet occurred).

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that publishes applications after eighteen months. In view of that interpretation, applicants in an abundance of caution have prepared and are filing this Petition immediately.

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P.O. Box 2327
Arlington, Virginia 22202
on April 2, 2003

Name of Person Signing Certificate

Lillian Garei
Signature of Person Signing Certificate

Apr. 12, 2003
Date of Signature

Respectfully submitted,



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Arlington, Virginia 22202

NOTIFICATION UNDER 37 C.F.R. § 1.213(c)
OF FOREIGN FILING OF PATENT APPLICATION

Sir:

Pursuant to 37 C.F.R. § 1.213(c), applicants hereby notify the Patent and Trademark Office that the above-identified patent application was filed in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing.

The earliest such filing occurred on September 6, 2001, which is more than forty-five days prior

to this notification. A petition under 37 C.F.R.
§ 1.137(b,f) to revive this application is being filed
concurrently herewith.

I hereby certify that this
correspondence is being deposited
with the United States Postal Service
as first class mail in an envelope
addressed to:
Box DAC
Commissioner for Patents
P.O. Box 2327
Arlington, Virginia 22202
on April 2, 2003

Name of Person Signing Certificate

Feliciano Garcia

Signature of Person Signing Certificate

April 12, 2003

Date of Signature

Respectfully submitted,



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